

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS****CONSTRUCTION CODES COORDINATING BOARD****NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Acting Chairperson of the Construction Codes Coordinating Board (Board), pursuant to the authority set forth in section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409), and Mayor's Order 2009-22, dated February 25, 2009, hereby gives notice of the adoption on an emergency basis of an amendment to subtitle A (Building Code Supplement) of title 12 (D.C. Construction Codes Supplement of 2008) of the *District of Columbia Municipal Regulations*.

This emergency rulemaking is necessitated by the need to protect the public safety and welfare from the proliferation of commercial signs advertising products, services, and goods that are not sold on-site and that are currently exempt from existing permit requirements. Such non-permitted signs have an adverse impact on building safety, adversely affect vehicular and pedestrian safety from distracted drivers, and violate Federal Highway Administration requirements related to off-site commercial advertisements along federally-funded roadways.

This emergency rulemaking was adopted on March 25, 2011, and became effective immediately. This emergency rulemaking will remain in effect for up to one hundred twenty (120) days from the date of adoption, unless earlier superseded by a notice of final rulemaking.

The Acting Chairperson, on behalf of the Board, also hereby gives notice of the intent to take final rulemaking action to adopt this amendment. Pursuant to section 10(a) of the Act, the proposed amendment will be submitted to the Council of the District of Columbia for a forty-five (45) day period of review, and final rulemaking action will not be taken until the later of thirty (30) days after the date of publication of this notice in the *D.C. Register* or Council approval of the amendment.

**Section 3107 (Signs) of chapter 31 (Special Construction) of subtitle A (Building Code Supplement) of title 12 (D.C. Construction Codes Supplement of 2008) of the *District of Columbia Municipal Regulations* is amended as follows:**

**Subsection 3107.3.5.3 is amended to read as follows:**

**3107.3.5.3 Signs within a building.** Any sign located within the interior envelope of a building, including any atrium, foyer, or lobby, not attached directly to or painted on a window, and not located within eighteen inches (18 in.) (457 mm) of a window or entrance.

**Exceptions:** The following signs are not subject to the exemption from permit under this subsection; provided, that they are meant to be seen from the public space:

1. A commercial sign for a product that is not sold on the premises of the building;

2. A commercial sign using video, electrical, or digital displays of any sort; or
3. A commercial sign that exceeds twenty percent (20%) of the area of any window in which it is displayed or viewed from the public space.

All persons desiring to comment on these proposed regulations should submit comments, in writing, to Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5164, Washington, D.C. 20024, or by e-mail to [helder.gil@dc.gov](mailto:helder.gil@dc.gov), not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. A fee of one dollar (\$1) will be charged for each copy of the proposed rulemaking requested. Free copies are available on the DCRA website at [dcra.dc.gov](http://dcra.dc.gov) by going to the "About DCRA" tab, clicking "News Room", and clicking on "Rulemaking."